

Paper No. 6

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In re Application of Sridhar Application No. 09/546,952 Filed: April 11, 2000 Attorney Docket No.: AMPSP002 OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition for revival under 37 CFR 1.137(b) and Request for Extension of Time filed January 8, 2001.

The Petition to Revive under 37 CFR 1.137(b) is $\underline{\textbf{DISMISSED AS}}$ $\underline{\textbf{MOOT}}$.

The Request for Extension of Time is **GRANTED**.

On June 27, 2000, a Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed. On January 8, 2001, a petition to revive under 37 CFR 1.137(b), a response to the Notice that included a request for a four (4) month extension of time, and an executed declaration in response to the Notice was filed.

The petition to revive is held moot for the application was never in fact abandoned. At the time that the petition to revive was filed on January 8, 2001, the period of reply to the Notice was extendable under 37 CFR 1.136.

Applicant's response to the Notice included a request for a four (4) month extension of time. The Notice was mailed June 27, 2000. A response was due by August 27, 2000. A four (4) month extension of time to reply would extend the period of reply from August 28, 2000 to December 27, 2000. Applicant did not file the request for extension of time until January 8, 2001. As a result, the time required to extend the period for reply to the Notice and prevent the application from becoming abandoned is five (5) months which would extend the period of reply from August 28, 2000 until January 27, 2001. Petitioner's request for extension of time is being construed as a request for a five (5) month extension of time to reply to the Notice and is hereby granted.

The fees due in connection with this application are as follows: large entity five (5) month extension of time in the amount of \$1,890.00, surcharge for late filing of declaration in the amount of \$130.00, and basic filing fee in the amount of \$710.00.

Applicant submitted a check in the amount of \$3,950.00 with the instant petition. Applicant is reminded of its duty under 37 CFR 1.22(b) to clearly itemize fees paid to the Office in each individual application such that the purpose for which the fees are submitted is clear.

The fees submitted with the instant petition have been applied as follows: \$710.00 basic filing fee, \$130.00 surcharge for late filing of declaration, and \$1870.00 toward the extension of time. Deposit account no. 50-1594, as per the authorization contained in the petition, has been charged \$20.00 in connection with the extension of time fee such that the total amount paid for the extension of time fee such that the total amount paid for the extension of time is \$1890.00, as required.

As applicant did not authorize the Office to refund any excess fees submitted, therefore, applicant must submit a request for a refund to the Office of Finance, Refund Section. A copy of this decision should accompany such a request. Applicant is entitled to a refund of the petition fee submitted, namely, \$1,240.00.

This application will be forwarded to Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Beverly M. Flanagan

Supervisory Petitions Examiner

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